

Message

From: Froede, Carl [Froede.Carl@epa.gov]
Sent: 6/3/2021 7:58:21 PM
To: Amoroso, Cathy [Amoroso.Cathy@epa.gov]
Subject: Response to EPA HQ questions about SELC letter to EPA Administrator

Cathy,

Sorry to send your email back to you (I have removed the attachments) but you have already answered the HQ questions and provided the supporting attachments.

I have changed my mind about having our EJ folks look at the D5 RI/FS EJ sections as it possibly creates an opportunity to second guess what has been done based on this completely new EO about climate change and EJ. Our legal folks will want to have us step back but unless we have a real legal REQUIREMENT(!) we must continue to move forward. As you stated, DOE is proposing to build a new landfill (second one) down valley from the first. There is really nothing new in this proposal and we will work with DOE to make it protective in the long term if we can agree with the DOE proposal.

We are looking at possible RAD surface water contamination issues in Bear Creek irrespective of any underserved community so the results will be protective for everyone. If stream conditions are not protective to human health and the environment then our work will require DOE to make changes in its RAD discharge releases to make it protective.

So, I believe that at this time nothing else needs to be done on our part to address issues raised by the SELC letter. If DOE follows through with all the community outreach plans shared with you then hopefully the SELC issues will be addressed as we move forward.

Carl

From: Amoroso, Cathy <Amoroso.Cathy@epa.gov>
Sent: Wednesday, June 2, 2021 1:16 PM
To: Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Adams, Glenn <Adams.Glenn@epa.gov>; Jones, Connie <Jones.Constance@epa.gov>; Tso, Jonathan <Tso.Jonathan@epa.gov>; Lapachin, Jyl <Lapachin.Jyl@epa.gov>; McEaddy, Monica <McEaddy.Monica@epa.gov>
Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Brock, Martha <Brock.Martha@epa.gov>; Froede, Carl <Froede.Carl@epa.gov>
Subject: RE: Request by Southern Environmental Law Center, et al., to review and reconsider Oak Ridge Reservation Decision re: Radionuclide Wastewater Dispute

Hi All,

Regarding EJ and climate change:

- Attached is DOE-OREM's description on the EJ and climate change analyses related to the EMDF.
- R4 has also used the EJScreen tool look at the area. A community with potential EJ concerns (Scarboro) is near Y-12, but fairly distant from the potential fishing areas in Bear Creek (~11 miles by road). Though the Scarboro community may have concerns about ORR in general, possibly including air pollution and/or past exposures, Bear Creek does not run through the Scarboro community.

Regarding public participation:

- Attached is DOE's proposed path forward for additional public involvement to support the EMDF ROD. DOE would like EPA to "endorse" the proposed approach; we have not done so to date.
- Also attached is a summary (provided by DOE) of the EMDF public involvement activities to date.

I'm not making any judgement on the adequacy of these efforts, but wanted to share so that we are starting the conversation from the same place.

Thank you,

Cathy Amoroso, Chief
Restoration & DOE Coordination Section
Superfund & Emergency Management Division
U.S. EPA, Region 4
404-295-6758

From: Dixon, Chelsea <Dixon.Chelsea@epa.gov>

Sent: Wednesday, June 2, 2021 12:50 PM

To: Amoroso, Cathy <Amoroso.Cathy@epa.gov>; Adams, Glenn <Adams.Glenn@epa.gov>; Jones, Connie <Jones.Constance@epa.gov>; Tso, Jonathan <Tso.Jonathan@epa.gov>; Lapachin, Jyl <Lapachin.Jyl@epa.gov>; McEaddy, Monica <McEaddy.Monica@epa.gov>

Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Brock, Martha <Brock.Martha@epa.gov>; Froede, Carl <Froede.Carl@epa.gov>

Subject: RE: Request by Southern Environmental Law Center, et al., to review and reconsider Oak Ridge Reservation Decision re: Radionuclide Wastewater Dispute

I believe that OECA or OLEM will have the lead in responding because it was addressed to the Administrator. They plan to decide this week.

I'll try to schedule a call asap.

Thanks,

Chelsea

Chelsea E. Dixon, Attorney-Advisor
Federal Facilities Enforcement Office
U.S. Environmental Protection Agency
WJC South 2213C
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Mobile: (202) 794-0730

From: Amoroso, Cathy <Amoroso.Cathy@epa.gov>

Sent: Wednesday, June 2, 2021 12:45 PM

To: Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Adams, Glenn <Adams.Glenn@epa.gov>; Jones, Connie <Jones.Constance@epa.gov>; Tso, Jonathan <Tso.Jonathan@epa.gov>; Lapachin, Jyl <Lapachin.Jyl@epa.gov>

Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Brock, Martha <Brock.Martha@epa.gov>; Froede, Carl <Froede.Carl@epa.gov>

Subject: RE: Request by Southern Environmental Law Center, et al., to review and reconsider Oak Ridge Reservation Decision re: Radionuclide Wastewater Dispute

Hi Chelsea,

Do you know who is the lead in drafting a response letter? Is this being controlled to the Region or is HQ drafting the response?

Regarding Larry's questions, below, maybe it would be best to have a call.

Thank you,

Cathy Amoroso, Chief
Restoration & DOE Coordination Section
Superfund & Emergency Management Division
U.S. EPA, Region 4
404-295-6758

From: Dixon, Chelsea <Dixon.Chelsea@epa.gov>

Sent: Tuesday, June 1, 2021 4:52 PM

To: Adams, Glenn <Adams.Glenn@epa.gov>; Amoroso, Cathy <Amoroso.Cathy@epa.gov>; Jones, Connie <Jones.Constance@epa.gov>; Tso, Jonathan <Tso.Jonathan@epa.gov>; Lapachin, Jyl <Lapachin.Jyl@epa.gov>

Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>

Subject: FW: Request by Southern Environmental Law Center, et al., to review and reconsider Oak Ridge Reservation Decision re: Radionuclide Wastewater Dispute

Hi all,

Larry has asked the questions below of OLEM and R4 based on the SELC letter (attached) . I think a lot of this would be for R4 to answer, but I'm including Jonathan and Jyl in case you have anything to add.

Please let me know if a call would be more helpful to talk through these.

Thanks,

Chelsea

Chelsea E. Dixon, Attorney-Advisor
Federal Facilities Enforcement Office
U.S. Environmental Protection Agency
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Washington, DC 20460
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Mobile: (202) 794-0730

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Tuesday, June 1, 2021 4:05 PM

To: Leff, Karin <Leff.Karin@epa.gov>

Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: FW: Request by Southern Environmental Law Center, et al., to review and reconsider Oak Ridge Reservation Decision re: Radionuclide Wastewater Dispute

In reading over the letter, I had a couple of thoughts/questions (many for OLEM/R4):

1. The EJ analysis is something we've talked about doing as part of the CERCLA process – is OLEM/R4 thinking that it would that be an element of the RI/FS, RD, or both?
2. Has anyone given any thought to a climate analysis? Would more intense storm events be likely to affect the risk posed, assuming the ROD sets limits on the discharge?
3. The letter says, at p. 2, that "We further request, as we have several times previously, that EPA and DOE provide additional opportunities for public comment."
 - a. Is it correct that they have asked, without success, for public comment?
 - b. What kind of public participation is OLEM/R4 contemplating to assess EJ concerns – public comment, public meeting, other?
4. Their letter, at p. 8, talks about the treatment of radionuclides elsewhere at Oak Ridge using an "ionic resin exchange system." Could the Region ultimately select that technology in the ROD as the best means of meeting to the 10⁻⁵ requirement and/or the water quality-based effluent levels?
 - a. If so, then is the failure to identify TBELs as a RAR a moot point?

Let me know what you think.

Larry

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From: Starfield, Lawrence

Sent: Thursday, May 27, 2021 8:23 AM

To: Leff, Karin <Leff.Karin@epa.gov>

Cc: Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>

Subject: FW: Request by Southern Environmental Law Center, et al., to review and reconsider Oak Ridge Reservation Decision re: Radionuclide Wastewater Dispute

FYI. To discuss.

From: Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>

Sent: Wednesday, May 26, 2021 9:12 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Blevins, John <Blevins.John@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>

Cc: Waterhouse, Carlton <Waterhouse.Carlton@epa.gov>

Subject: FW: Request by Southern Environmental Law Center, et al., to review and reconsider Oak Ridge Reservation Decision re: Radionuclide Wastewater Dispute

FYI

From: Amanda Garcia <agarcia@selctn.org>

Sent: Wednesday, May 26, 2021 4:54 PM

To: Regan, Michael <Regan.Michael@epa.gov>

Cc: Waterhouse, Carlton <Waterhouse.Carlton@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; 'Matthew.G.Lee-Ashley@ceq.eop.gov' <Matthew.G.Lee-Ashley@ceq.eop.gov>; 'Virginia Dale' <virginia.dale4@gmail.com>; 'Ellen Smith' <smithellen@comcast.net>; Axel C Ringe <onyxfarm@bellsouth.net> <onyxfarm@bellsouth.net>; 'sandra@sandrakgoss.com' <sandra@sandrakgoss.com>; Stephanie Biggs <sbiggs@selctn.org>; Michaela Gregory <mgregory@selctn.org>

Subject: Request by Southern Environmental Law Center, et al., to review and reconsider Oak Ridge Reservation Decision re: Radionuclide Wastewater Dispute

Administrator Regan:

Please see the attached request submitted by the Southern Environmental Law Center, together with Advocates for Oak Ridge Reservation, Tennessee Chapter Sierra Club, and Tennessee Citizens for Wilderness Planning. We respectfully ask that pursuant to Executive Order 13990, the Environmental Protection Agency review and reconsider the final decision issued by Administrator Wheeler regarding the appropriate standards to apply to the discharge of wastewater containing radionuclide pollution at the Oak Ridge Reservation CERCLA site in eastern Tennessee. We would welcome the opportunity to discuss our concerns further with appropriate personnel at EPA.

Sincerely,
Amanda

Amanda Garcia (she/her/hers)
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